UNITED STATES DISTRICT COURT FOR THE DISTRICT OF NEW HAMPSHIRE

ESTATE OF LIKO KENNEY PLAINTIFF))
VS.))
GREGORY WILLIS FLOYD;))
CHIEF MARK R. MONTMINY,))
IN HIS INDIVIDUAL AND OFFICIAL CAPACITIES;) CASE NO.: 2010-CV-00181-PB
SERGEANT MARK TAYLOR,))
IN HIS INDIVIDUAL AND OFFICIAL CAPACITIES;))
CORPORAL BRUCE MCKAY, IN HIS OFFICIAL CAPACITY;)))
and))
TOWN OF FRANCONIA))
BOARD OF SELECTMEN)
DEFENDANTS))

DEFENDANTS MARK MONTMINY, SERGEANT MARK TAYLOR, CORPORAL BRUCE MCKAY AND FRANCONIA BOARD OF SELECTMEN'S MOTION FOR SUMMARY JUDGMENT

NOW COME defendants, Chief of Police Mark Montminy, in his individual and official capacities; Sergeant Mark Taylor, in his individual and official capacities; Corporal Bruce McKay, in his official capacity and the Town of Franconia, by their counsel, Ransmeier & Spellman Professional Corporation, and move for summary judgment and in support thereof, states as follows:

 The defendants are entitled to summary judgment on plaintiff's claims as alleged in plaintiff's Complaint for the reasons set forth in the accompanying Memorandum of Law in Support of the defendant's Motion for Summary Judgment and Attachments.

2. Given the dispositive nature of this motion, the assent of the plaintiff was neither sought nor obtained.

WHEREFORE, Chief of Police Mark Montminy, in his individual and official capacities; Sergeant Mark Taylor, in his individual and official capacities; Corporal Bruce McKay, in his official capacity and the Town of Franconia, respectfully requests the following affirmative relief:

- A. Grant this Motion for Summary Judgment; and
- B. Grant such further relief as is proper and just.

Respectfully submitted,

TOWN OF FRANCONIA BOARD OF SELECTMEN CHIEF MARK MONTMINY SERGEANT MARK TAYLOR

By their Attorneys

RANSMEIER & SPELLMAN PROFESSIONAL CORPORATION

Dated: November 15, 2011 By: /s/ Daniel J. Mullen, Esq.

Daniel J. Mullen, Esq. (#1830) Michael J. Malaguti, Esq. (#20355) Ransmeier & Spellman, PC

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CERTIFICATE OF SERVICE

I hereby certify that a copy of the foregoing was forwarded to all counsel of record via ECF and via first class mail to Gregory Floyd at the NH State Prison for Men- TWC, PO Box 14, Concord, NH 03302

Date: November 15, 2011	November 15, 2011	/s/ Daniel J. Mullen
	Daniel J. Mullen	